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THE CITY OF NEW YORK
LAW DEPARTMENT
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MEMO ENDORSED

April 1, 2008

Extension Granted. Conference adjourned to 6/16/08 @ 9:00 AM. See court's rules re: motions.

SO ORDERED:
Date: 4/2/08 Richard M. Berman
Richard M. Berman, U.S.D.J.

BY HAND
Honorable Richard M. Berman
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Paul Selinger, et al. v. CNY et al, 08 CV 2096 (RMB)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department handling the defense of this action on behalf of defendant City of New York. I am writing with the consent of plaintiff's counsel, Gregory Calliste, Jr., Esq., of the Law Offices of Frederick K. Brewington, to request a sixty-day enlargement of time, from April 3, 2008[1] to June 1, 2008, within which this office may answer or otherwise respond to the complaint. This is the City's first request for an enlargement of time in this action. Additionally, the parties request that the initial conference currently scheduled for April 4, 2008, at 9:00 a.m. be adjourned to a date convenient for the Court after the answer is filed.

The plaintiff alleges, *inter alia*, that he was subjected to false arrest and unlawful seizure by the defendants, in violation of his constitutional rights under the Fourth, Fifth, and Fourteenth Amendments. Plaintiff also alleges a variety of state law claims.

Before this office can adequately respond to the complaint, we will need to conduct an investigation into the facts of the case and obtain the underlying arrest and prosecution records, which may have been sealed pursuant to NYCPL § 160.50. Without the underlying records, the defendants cannot properly assess this case or respond to the complaint. Accordingly, the

[1] Although the docket sheet indicates that the defendant's answer is due on May 13, 2008, that date is based on the premise that the complaint was served by mail. However, plaintiff's affidavit of service indicates personal service. Therefore, defendant City believes that April 3, 2008, is the correct answer date.

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RICHARD M. BERMAN

enlargement of time will afford us the opportunity to investigate the matter and to secure the relevant documents.

Additionally, the enlargement of time will permit the parties to identify and serve the additional defendants. Once completed, pursuant to Section 50-k of the New York General Municipal Law, this office must determine, based on a review of the case, whether we may represent the individually named defendant. The defendants must then decide whether they wish to be represented by this office. If so, we must obtain their written authorization. Only after this procedure has been followed can we determine how to proceed in this case.

In view of the foregoing, it is respectfully requested that the Court grant the within request extending the City's time to answer or otherwise respond to the complaint until June 2, 2008.

Thank you for your consideration in this regard.

Respectfully submitted,

Brian G. Maxey (BM 0451)

BY FAX
Gregory Calliste, Jr., Esq.
Law Offices of Frederick K. Brewington
Attorney for Plaintiff